

23026
021204

Please type a plus sign (+) inside this box → +

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 112056-0136U	
First Inventor Rimas Svarcas et al.	
Title	SYSTEM AND METHOD FOR FAULT-TOLERANT SYNCHRONIZATION OF REPLICA UPDATES FOR FIXED PERSISTENT CONSISTENCY POINT IMAGE CONSUMPTION
Express Mail Label No. EV 335586394 US	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages **31**]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets **9**]
- Oath or Declaration (unsigned) [Total Pages **3**]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. §3.73(b) Statement Power of *(when there is an assignee)* Attorney
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: _____ /
Prior application information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS Customer Number or Bar Code Label**24267**

PATENT TRADEMARK OFFICE

 or Correspondence address below

Name	Duane H. Dreger				
Address	Cesari and McKenna 88 Black Falcon Avenue				
City	Boston	State	MA	Zip Code	02210
Country	U. S. A.	Telephone	(617) 951-2500		Fax (617) 951-3927

Name (Print/Type)	Duane H. Dreger	Registration No. (Attorney/Agent)	48,836
Signature			Date February 12, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 22387 U.S.P.T.O.
10/777980

021204

23026
021204U.S.
PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Patent and Trademark Office/SB/17 (10-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims Small Entity Status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
856

Complete if Known

Application Number	Not yet assigned
Filing Date	February 12, 2004
First Named Inventor	Rimas Svarcas et al.
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	112056-0136U

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Other None
 Deposit Account Order

Deposit Account
Number
03-1237

Deposit Account
Name
Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)
 Charge any deficiency or
 Charge fee indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code (\$)		
1001	750	2001 375 Utility filing fee	770
1002	330	2002 165 Design filing fee	
1003	520	2003 260 Plant filing fee	
1004	750	2004 375 Reissue filing fee	
1005	160	2005 80 Provisional filing fee	
SUBTOTAL (1) (\$)		770	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Fee from Claims below	Fee Paid
Total Claims 16 - 20** = 0 x 18 = 0	
Independent Claims 4 - 3** = 1 x 86 = 86	
Multiple Dependent	= 0

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code (\$)	
1202	18	2202 9 Claims in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		86

**or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge - late filing fee or oath		
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130 Non-English Specification		
1812	2,520	1812	2,520 For filing a request for ex parte reexamination		
1804	920	1804	920* Requesting publication of SIR prior to Examiner action		
1805	1,840	1805	1,840* Requesting publication of SIR after Examiner action		
1251	110	2251	55 Extension for reply within first month		
1252	410	2252	205 Extension for reply within second month		
1253	930	2253	465 Extension for reply within third month		
1254	1,450	2254	725 Extension for reply within fourth month		
1255	1,970	2255	985 Extension for reply within fifth month		
1401	320	2401	160 Notice of Appeal		
1402	320	2402	160 Filing a brief in support of an appeal		
1403	280	2403	140 Request for oral hearing		
1451	1,510	1451	1,510 Petition to institute a public use proceeding		
1452	110	2452	55 Petition to revive - unavoidable		
1453	1,300	2453	650 Petition to revive - unintentional		
1501	1,300	2501	650 Utility Issue fee (or reissue)		
1502	470	2502	235 Design Issue fee		
1503	630	2503	315 Plant Issue fee		
1460	130	1460	130 Petitions to the Commissioner		
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180 Submission of Information Disclosure Stmt		
8021	40	8021	40 Recording each patent assignment per property (times number of properties)		
1809	750	2809	375 Filing a submission after final rejection (37 CFR 1.129(a))		
1810	750	2810	375 For each additional invention to be examined (37 CFR 1.129(b))		
1801	750	2801	375 Request for Continued Examination (RCE)		
1802	900	1802	900 Request for expedited examination of a design application		
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3) (\$)				0	

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Duane H. Dreger	Registration No. (Attorney/Agent)	48,836	Telephone	(617) 951-2500
Signature	Duane H. Dreger			Date	February 12, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

PATENTS
112056-0136U
P01-1576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Rimas Svarcas et al.)
)
)
Serial No.: Not yet assigned) Examiner: Not yet assigned
)
)
Filed: February 12, 2004) Art Unit: Not yet assigned
)
For: SYSTEM AND METHOD FOR)
FAULT-TOLERANT SYNCHRO-)
NIZATION OF REPLICA UP-)
DATES FOR FIXED PERSISTENT)
CONSISTENCY POINT IMAGE
CONSUMPTION)

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
February 12, 2004

EXPRESS-MAIL DEPOSIT

“Express Mail” Mailing-Label Number: EV 336586394 US

The following papers are being deposited with the United States Postal Service
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

- Patent Application (30 pages including 16 claims)
 Declaration and Power of Attorney Fee Transmittal Letter
(unsigned)
 Utility Patent Application Transmittal Formal Drawings (9 sheets)
Letter
 Check in the amount of \$856.00 Request for Non-Publication

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)		First Named Inventor	Rimas Svarcas et al.
		Title	SYSTEM AND METHOD FOR FAULT-TOLERANT SYNCHRONIZATION OF REPLICA UPDATES FOR FIXED PERSISTENT CONSISTENCY POINT IMAGE CONSUMPTION
		Atty Docket Number	112056-0136U

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 12, 2004

Date



Signature

Duane H. Dreger, Reg. No 48,836

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.